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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

21CR22
Telephone Conference

5 MEYYA MEYYAPPAN,

6 Defendant.

7 -----x

8 New York, N.Y.
9 January 14, 2021
2:23 p.m.

10 Before:

11 HON. P. KEVIN CASTEL,

12 District Judge

13 APPEARANCES

14 AUDREY STRAUSS,

15 Acting United States Attorney for the
Southern District of New York

16 BY: JOSHUA A. NAFTALIS

Assistant United States Attorney

17 AIDALA & BERTUNA P.C.

18 Attorneys for Defendant

19 BY: ARTHUR LOUIS AIDALA

20 PRETRIAL SERVICES

FRANCESCA TESSIER-MILLER

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1 (The Court and all parties appearing telephonically)

2 THE COURT: This is United States of America against
3 Meyya Meyyappan. Appearing for the government.

4 MR. NAFTALIS: Good afternoon, your Honor. This is
5 Josh Naftalis for the government.

6 THE COURT: Good afternoon, Mr. Naftalis.
7 And for the defendant.

8 MR. AIDALA: This is Arthur Aidala. Good afternoon
9 and happy new year to you, your Honor.

10 THE COURT: Good afternoon, Mr. Aidala, and happy new
11 year to you.

12 I see that Mr. Meyyappan is also with us; is that
13 correct?

14 THE DEFENDANT: Yes, your Honor. Good afternoon.

15 THE COURT: Good afternoon.

16 Now, Mr. Meyyappan, you have a right to be represented
17 by counsel. If you cannot afford counsel, one will be
18 appointed at public expense.

19 I understand that you have counsel who you have
20 privately retained; is that correct?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: And that's Mr. Aidala?

23 THE DEFENDANT: Yes.

24 THE COURT: Now, Mr. Meyyappan, you have the right to
25 be physically present for this proceeding in a courtroom with

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1 the judge on the bench and with your lawyer at your side. I
2 understand that it is your desire to waive that right to be
3 physically present and to proceed, instead, in the manner in
4 which we are now connected, which is audio and visual; is that
5 correct, sir?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Is it correct, Mr. Aidala, that your
8 client has signed a waiver of a right to be physically present?
9 Is there a signed waiver?

10 MR. AIDALA: Yes, your Honor. Your chambers has that,
11 your Honor.

12 THE COURT: Excellent. And did you, in fact, sign
13 such a waiver, Mr. Meyyappan?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And can you see me and hear me clearly?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Let me hear from the government or from
18 the defendant, what is the substantial harm to the interest of
19 justice in delaying? Why is it necessary to proceed now rather
20 than adjourn this to a date when we can all be in the
21 courtroom?

22 MR. NAFTALIS: Your Honor, this is Josh Naftalis for
23 the government.

24 The reason is twofold, one of which is Mr. Meyyappan
25 consents to doing this by video and audio so that he can have

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1 his matter moved along. The second is the seriousness of the
2 offense, including lying to the government and not delaying in
3 prosecuting that offense.

4 THE COURT: Do you agree, Mr. Aidala, that there is a
5 basis for a finding that there is substantial harm to the
6 interest of justice by further delay?

7 MR. AIDALA: Yes, your Honor.

8 THE COURT: I find that there would be substantial
9 harm to the interest of justice by further delay for,
10 substantially, the reasons identified by the government. I
11 find that the waiver is knowing and voluntary and it is
12 accepted.

13 Now, Mr. Naftalis, bring me up to date. Has this
14 defendant appeared anywhere in court prior to this moment in
15 time on these charges?

16 MR. NAFTALIS: No, your Honor, the defendant has not
17 been arrested. This is his first appearance in any court on
18 these charges. So, we're here for his initial appearance, the
19 waiver of indictment, the filing of the information, and a
20 guilty plea and the setting of bail.

21 THE COURT: Okay. Mr. Meyyappan, that is the stated
22 purpose of today. We will discuss issues of pretrial release.
23 You know you have your right to counsel, as I described it.
24 You have the right not to make any statement. If you have made
25 statements in the past, you need not make any statement today,

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1 unless you choose to. So, any statement you make will be
2 voluntary because you are here and you are being advised by
3 counsel.

4 Now, do you understand all that, Mr. Meyyappan?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Are you a U.S. citizen?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: All right, excellent.

9 Now, one other preliminary matter that I want to get
10 out of the way.

11 I direct the prosecution to comply with its obligation
12 under *Brady v. Maryland* and its progeny to disclose to the
13 defense all information, whether admissible or not, that is
14 favorable to the defendant, material either to guilt or to
15 punishment and known to the prosecution.

16 Possible consequences for noncompliance may include
17 dismissal of individual charges or the entire case, exclusion
18 of evidence, and professional discipline or court sanctions on
19 the attorneys responsible.

20 I will be entering a written order more fully
21 describing this obligation and the possible consequences of
22 failing to meet it. I direct the prosecution to review and
23 comply with that order.

24 Does the prosecution confirm that it understands its
25 obligations and will fulfill them?

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1 MR. NAFTALIS: Yes, your Honor, of course.

2 THE COURT: Now, Mr. Meyyappan, I've been advised that
3 you have signed a waiver of indictment; is that correct, sir?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: When did you sign that waiver of
6 indictment?

7 THE DEFENDANT: I do not have the exact date, your
8 Honor, but I think sometime last week.

9 Do you need the exact date, your Honor?

10 THE COURT: The document I have in front of me is not
11 dated, that's why I asked the question.

12 Mr. Aidala, can you help in this regard?

13 MR. AIDALA: I believe I can, your Honor.

14 I believe it was the 5th.

15 Was that it, Josh?

16 MR. NAFTALIS: Yes.

17 MR. AIDALA: It was the 5th?

18 MR. NAFTALIS: 5th, yes.

19 THE COURT: Now, before you signed that waiver of
20 indictment, did you discuss it with your attorney?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Did you understand that you had the right
23 to have the evidence underlying the charges presented to a
24 grand jury of 23 people and to have those people decide, by
25 unanimous vote, whether you should be charged, and that by

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1 signing the waiver of indictment, you gave up that right and
2 allowed the charge to be filed solely on the signature of the
3 United States Attorney?

4 Did you understand that?

5 THE DEFENDANT: Yes, your Honor, I understand that.

6 THE COURT: All right. I find that the waiver of
7 indictment is knowing and voluntary and it is accepted.

8 The charging document, the information which contains
9 the single count of false statement to a federal agent is
10 deemed filed in open court.

11 Mr. Meyyappan, how old are you?

12 THE DEFENDANT: I am 66 years old, your Honor.

13 MR. AIDALA: Can I interrupt? I'm sorry to interrupt.
14 I think we have to put the defendant under oath before we get
15 too far along.

16 THE COURT: I thank you very much, Mr. Naftalis. I
17 appreciate that.

18 Mr. Meyyappan, I'm going to put you under oath and I'm
19 going to ask you certain questions and inform you of certain
20 rights. If I ask you something or I tell you something and you
21 don't quite understand, please let me know, I'll put it into
22 different words.

23 Also, if at any point today you wish to speak in
24 private with your attorney, Mr. Aidala, please let me know and
25 I'll give you the opportunity to have that private conference.

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1 Do you understand all that?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: All right. Please raise your right hand.

4 Do you solemnly swear or affirm that the testimony that you
5 shall give to the Court in this proceeding will be the truth,
6 the whole truth, and nothing but the truth?

7 THE DEFENDANT: Yes, your Honor, I swear.

8 THE COURT: You're now under oath and your answers to
9 my questions are subject to the penalties of perjury or making
10 a false statement if you do not answer truthfully. Also,
11 anything you say today may be used in such a proceeding.

12 Do you understand that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Now, let me go back and ask you again, how
15 old are you?

16 THE DEFENDANT: I am 66 years old, your Honor.

17 THE COURT: Tell me, briefly, your educational
18 background.

19 THE DEFENDANT: I have an undergraduate and a master's
20 and a Ph.D., all in engineering. My Ph.D. degree I received in
21 1984 from Clarkson University in Upstate New York about 8, 10
22 hours drive from where you are in the north country of New
23 York.

24 Since 1984, I have been working the first 12 years
25 close to New York in Connecticut --

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1 THE COURT: Mr. Meyyappan, I don't need that. The
2 device is that you hold a Ph.D. degree; is that correct, sir?

3 THE DEFENDANT: That is correct, your Honor.

4 THE COURT: Are you now or have you recently been
5 under the care of a medical doctor?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Have you ever been treated for a mental
8 illness?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: Do you take any medications?

11 THE DEFENDANT: I'm a heart patient, so I just take
12 heart medication.

13 THE COURT: All right. So, you are under the care of
14 a medical doctor?

15 THE DEFENDANT: Well, I haven't seen the doctor, but I
16 get the prescription, I take it every day. I don't know how to
17 interpret that, but, yeah. Yes.

18 THE COURT: What medication do you take?

19 THE DEFENDANT: The medication I take is heart
20 disease. I had a heart surgery about four years ago and then
21 it is for blood pressure, cholesterol, blood thinning. It is
22 the usual one that millions of Americans take.

23 THE COURT: Do those medications affect the clarity of
24 your thinking?

25 THE DEFENDANT: Oh, no, your Honor.

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1 THE COURT: How do you feel today?

2 THE DEFENDANT: I feel -- I feel fine, your Honor.

3 THE COURT: Is your mind clear?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Mr. Aidala, do you have any doubts as to
6 the defendant's competence to proceed?

7 MR. AIDALA: No, your Honor.

8 THE COURT: All right. Based upon my observations and
9 the responses to my questions, I find that the defendant is
10 fully competent to proceed.

11 Mr. Meyyappan -- let me ask Mr. Aidala first.

12 Has Mr. Meyyappan received, reviewed, and discussed
13 with you the charging document in this case, the information?

14 MR. AIDALA: Yes, your Honor, we have discussed it
15 extensively.

16 THE COURT: Is there an application to waive the
17 public reading of the information?

18 MR. AIDALA: Yes, your Honor. I would ask that the
19 Court waive the public reading of the information.

20 THE COURT: And I understand that it is your client's
21 desire today to enter a plea of guilty; is that correct?

22 MR. AIDALA: Yes, your Honor.

23 THE COURT: Well, I will provisionally enter a plea of
24 not guilty, but I understand that it is his desire to enter a
25 guilty plea.

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1 Mr. Meyyappan, have you discussed the charge against
2 you and the evidence underlying that charge with your lawyer,
3 Mr. Aidala?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Have you had enough time to consider all
6 of your options in this case?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Are you satisfied with your lawyer's
9 representation of you?

10 THE DEFENDANT: Yes, your Honor, very much.

11 THE COURT: I'm now going to advise you of the rights
12 that you would have if you proceeded to a trial and these are
13 the rights that you give up by pleading guilty.

14 Under the Constitution and laws of the United States,
15 you are entitled to a speedy and public trial by an impartial
16 jury on the charges contained in the information. At such a
17 trial, you would not have to prove you were innocent, the
18 government would be required to prove each element of the crime
19 by proof beyond a reasonable doubt. Before a jury could find
20 you guilty, they would have to unanimously conclude that you
21 were guilty. You would not have to prove that you were
22 innocent.

23 Do you understand all of these concepts?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: At such a trial, you would be entitled to

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1 be represented by a lawyer. If you could not afford a lawyer,
2 one would be appointed at public expense.

3 Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: At such a trial, the witnesses for the
6 government would have to come to court to testify, you would be
7 able to see and hear them, your lawyer could question them
8 through cross examination, your lawyer could object to evidence
9 offered by the government, your lawyer could present evidence
10 and could ask the Court to compel witnesses to appear at trial
11 on your behalf.

12 Do you understand all that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: At such a trial, you would have the right
15 to testify if you chose to do so, you could take the witness
16 stand. Also, you would have the right not to testify and no
17 one would be permitted to draw any inference or suggestion of
18 guilt from the fact that you decided not to testify.

19 Do you understand all that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: If there were a trial and you were found
22 guilty, you would have the right to appeal that finding.

23 Do you understand that?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Those are the rights you would have if you

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1 proceeded to trial. If I accept a guilty plea from you, there
2 will be no trial. You will proceed to the sentencing phase in
3 which the Court will determine the punishment to be imposed on
4 you. Even now, you have the right to change your mind; instead
5 of pleading guilty, you may plead not guilty and go to trial.

6 Do you wish to plead not guilty and go to trial?

7 THE DEFENDANT: No, I do not, your Honor.

8 THE COURT: All right. Mr. Meyyappan, do you
9 understand that you are charged with making false statements in
10 violation of Section 1001 of Title 18?

11 Do you understand that?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: That charge carries a maximum term of
14 imprisonment of 5 years, a maximum term of supervised release
15 of 3 years, a maximum fine of the greatest of \$250,000 or twice
16 the gross pecuniary gain derived from the offense or twice the
17 gross pecuniary loss to persons, other than yourself, resulting
18 from the offense, and a \$100 mandatory special assessment.

19 Do you understand all that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Now, with regard to supervised release,
22 there are terms and conditions attached to it, and if you do
23 not live up to those terms and conditions, you can be returned
24 to prison for the full period of supervised release. So, say
25 you receive a prison term to be followed by a period of 3 years

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1 supervised release and you live up to the terms of supervised
2 release for 2 years, but then you violate one of the terms, you
3 can be returned to prison for a full period of 3 years. That's
4 the way supervised release works.

5 Do you understand all that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: I think you told me already that you are a
8 United States citizen; is that correct?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Well, among the consequences of pleading
11 guilty are that you give up valuable civil rights, such as the
12 right to vote, to sit on a jury, to possess a firearm, to hold
13 certain licenses, and to receive certain government benefits.

14 Do you understand all that?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Are you under any sentence from any court
17 or being prosecuted in any court for any other crime?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: In sentencing you, I will receive a
20 presentence report prepared by the office of probation. That
21 gives me background information and a recommended range of
22 sentence under the sentencing guidelines. After hearing from
23 the government and from your lawyer, I will make my own
24 determination of the correct guideline range that applies in
25 your case. Even after determining the guideline range, I need

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1 not follow it and can sentence you all the way up to the
2 statute maximum. The guidelines are advisory and they are one
3 of the factors that the Court takes account of in passing
4 sentence.

5 Do you understand all that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Now, I understand there has been a plea
8 agreement entered into between you and the government; is that
9 correct?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Do you have a copy of that in front of
12 you?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: It appears to be dated December 24th,
15 2020, on the letterhead of the Department of Justice, addressed
16 to Mr. Aidala, sent via email, and appears to be five pages in
17 length and appears to have your signature dated January 4th,
18 2021, and your lawyer's signature dated January 5th, 2021.

19 Is that your plea agreement with the government? Have
20 I described that accurately?

21 THE DEFENDANT: Yes, your Honor, you have described it
22 accurately. That's the one.

23 THE COURT: Thank you. Now, did you read that plea
24 agreement before you signed it?

25 THE DEFENDANT: Yes, your Honor, I read all the five

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1 pages. Thank you.

2 THE COURT: Did you discuss it with Mr. Aidala before
3 you signed it?

4 THE DEFENDANT: Yes, your Honor. I asked him to
5 explain everything, all the legal terms and the implications,
6 and he explained everything to me, your Honor.

7 THE COURT: Has anyone forced you or threatened you in
8 any way to enter into the plea agreement or to plead guilty?

9 THE DEFENDANT: Absolutely not, your Honor.

10 THE COURT: Has anyone promised you anything or given
11 you anything of value in order to get you to enter into the
12 plea agreement or plead guilty?

13 THE DEFENDANT: No, your Honor.

14 THE COURT: Does your plea agreement contain all of
15 your understandings with the government?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: I want you to know that any prediction,
18 calculation, or estimate that anyone has made to you as to what
19 sentence I might give you, what sentence the Court might give
20 you, is not binding on the Court and if it turns out to be
21 wrong, you will not be permitted to withdraw your guilty plea.

22 Do you understand that?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Now, one of the features of your plea
25 agreement is that you and the government have agreed on a

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1 guideline range that applies in your case, and that stipulated
2 guideline range set forth on page 2 of the plea agreement is
3 zero to 6 months imprisonment; is that correct, sir?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: The document is binding on you and it's
6 binding on the government, but it's not binding on the Court.

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: I have my own obligation to determine the
9 correct guideline range that applies in your case. Even after
10 determining the correct guideline range, I need not follow it
11 and can sentence you all the way up to the statute maximum.

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: But the agreement between you and the
14 government provides that if I should sentence you within the
15 stipulated guideline range of zero to 6 months or above that
16 range, the government has agreed not to appeal. You have
17 agreed that if I sentence you within the stipulated guideline
18 range of zero to 6 months, you will not appeal or otherwise
19 attack the sentence. You have waived your right to attack the
20 sentence or appeal, unless the sentence is above 6 months and,
21 in that event, the law will only allow you to appeal on the
22 basis that the sentence is unreasonable or contrary to law.

23 Do you understand all of that?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And have you discussed this with your

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1 lawyer?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Okay. So, at this point, I'm going to
4 have Mr. Naftalis lay out -- on the record, for you,
5 Mr. Meyyappan, and for me -- what the elements of the crime
6 charged are and what, in summary, the government's evidence
7 would be if this case proceeded to trial.

8 Mr. Naftalis.

9 MR. NAFTALIS: Yes, your Honor. If this case were to
10 proceed to trial, the government would prove the following five
11 elements beyond a reasonable doubt.

12 First, that on or about the date specified in the
13 information -- in this case, October 27th, 2020 -- the defendant
14 falsified or concealed or covered up a material fact; second,
15 that that fact falsified or concealed or covered up was
16 material; third, that the defendant did so by trick, scheme, or
17 device; fourth, that the defendant acted knowingly and
18 willfully; and fifth, that the falsification, concealment, or
19 coverup was with respect to a matter within the jurisdiction of
20 the government of the United States, here, the jurisdiction is
21 the Southern District of New York, U.S. Attorney's Office, the
22 Federal Bureau of Investigation, and NASA's Office of Inspector
23 General.

24 Would you like me to summarize what the evidence --

25 THE COURT: What would be the evidence if this case

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1 proceeded to trial, in summary fashion, if you will.

2 MR. NAFTALIS: Yes, your Honor.

3 In summary fashion, the government would prove,
4 through witnesses and documentary evidence, including emails
5 and other correspondence, that Mr. Meyyappan was a senior
6 scientist at NASA. In his position at NASA, he was subject to
7 certain statutory regulatory agency restrictions regarding
8 outside employment, including a prohibition of associating
9 himself with China or the Chinese government, that he was
10 required to annually file ethical certifications about any
11 employment or associations, that he was a member of and
12 participant in China's Thousand Talent Program, and a professor
13 at a Chinese university. And that, with respect to the charge,
14 on or about October 27th, 2020, Mr. Meyyappan was interviewed
15 by the FBI, NASA's Office of Inspector General, and the
16 Southern District U.S. Attorney's Office. During this
17 interview, he falsely stated that he was not a member of the
18 Thousand Talent Program and that he did not hold a
19 professorship at a Chinese university when, in truth and in
20 fact, he was a member of the China Thousand Talent Program and
21 he did hold a professorship at a Chinese university.

22 THE COURT: Thank you. Mr. Meyyappan, please tell me,
23 in your own words, what you did that leads you to believe that
24 you're guilty of the crime charged.

25 THE DEFENDANT: Thank you, your Honor. I have been

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1 working at NASA in California since 1996. In my capacity as a
2 civil servant, that I've known that I'm not allowed to work
3 with or engage with any foreign institutions and universities
4 in any of those countries, paid or unpaid, and I have known
5 that, but on October 27th, 2020, which Mr. Naftalis mentioned,
6 I was interviewed by his office and the FBI and NASA's
7 Inspector General. On those days when they asked me about my
8 involvements with these foreign institutions, I knowingly did
9 not tell them the truth and I actually lied to them about my
10 knowledge of and involvement with those institutions and I did
11 not appropriately answer to those questions. That was my
12 thing. I agree with the, you know, what Mr. Naftalis said.

13 Thank you, your Honor.

14 THE COURT: All right. So, it's not a question of
15 your not properly answering the questions. What you're telling
16 me is that you knowingly lied in response to the questions; is
17 that correct?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Did you know what you were doing was wrong
20 and unlawful?

21 THE DEFENDANT: Yes, your Honor, and I regretted it
22 very much. I've had extensive remorse about this one and I've
23 been -- I've lost my mental peace and I've lost -- yeah, about
24 the things that I did. I'm sincerely sorry. I'm sincerely
25 sorry, your Honor.

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1 THE COURT: All right. Thank you.

2 Mr. Naftalis, do you agree there is a sufficient
3 factual predicate for a plea of guilty?

4 MR. NAFTALIS: Yes, your Honor.

5 Could we just have the defendant specify, he said he
6 lied about those institutions. I think we all know what he
7 meant, but I just want to make sure the allocution is complete
8 about what he was misstating to the government.

9 THE DEFENDANT: Yes, your Honor. And thank you,
10 Mr. AUSA. It is everything that you covered. I actually, in
11 my statement, I agreed with everything that you said.

12 THE COURT: Let me just ask you point-blank.

13 THE DEFENDANT: Yes.

14 THE COURT: Did you lie and deny that you were a
15 visiting professor at a research university in China funded by
16 the People's Republic of China?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: And, in fact, you traveled to China, gave
19 lectures, wrote research papers, and received reimbursement; is
20 that correct, sir?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: And you concealed that in response to
23 questions that would have called for you to honestly disclose
24 that to the people interviewing you; is that correct?

25 THE DEFENDANT: Yes, your Honor. And when they asked

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1 me, I was not forthcoming in that finding.

2 THE COURT: When you say you were not forthcoming, you
3 lied; right?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: All right. Now, is that sufficient,
6 Mr. Naftalis?

7 MR. NAFTALIS: Yes. If you could just allocute him
8 that he was a participant in the Thousand Talent Program,
9 because that was the other lie.

10 THE COURT: Yes. Is it, in fact, the case,
11 Mr. Meyyappan, that you applied for admission to the Chinese
12 government's Thousand Talent Program in or about 2016?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: And is it, in fact, the case that you were
15 accepted into and participated in that program, including by
16 traveling to China and recommending others for admission to the
17 Thousand Talent Program; is that correct?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: And were you asked about your
20 participation in the Thousand Talent Program when you were
21 questioned in October 2020 by agents of the government,
22 including an Assistant United States Attorney?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: And did you lie to them about that?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: And did you falsely deny that you had
2 participated in the program?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Anything else, Mr. Naftalis?

5 MR. NAFTALIS: No. Thank you, your Honor. I
6 appreciate it.

7 THE COURT: Mr. Aidala, do you agree there is a
8 sufficient factual predicate for a plea of guilty?

9 MR. AIDALA: Yes, your Honor.

10 THE COURT: All right. Mr. Meyyappan, the other
11 question I had for you; were you, in fact, the Chief Scientist
12 of Exploration Technology at the Center for Nanotechnology at
13 NASA's Ames Research Center?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Do you have any questions for me,
16 Mr. Meyyappan?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: How do you plead to count 1 of the
19 information, guilty or not guilty?

20 THE DEFENDANT: I plead guilty, your Honor.

21 THE COURT: All right. Based upon your responses to
22 my questions and my observations of your demeanor, I find that
23 you know your rights, you know the consequences of pleading
24 guilty, and there is a factual basis for a plea of guilty.
25 Your plea of guilty is accepted.

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1 Further, I find that your plea agreement was knowingly
2 and voluntarily entered into, including the provisions waiving
3 the right to appeal or collaterally attack a sentence under
4 specified circumstances.

5 I will order a presentence investigation and report
6 and direct that no interview of you take place unless your
7 lawyer is present. It's important that you be candid,
8 truthful, honest with the people who prepare the presentence
9 report, tell them the good things and even the not-so-good
10 things because the report will be important in my decision on
11 sentencing. Before the day of sentencing, I urge you to review
12 that report, to read it carefully, and if there are any
13 mistakes, point them out to Mr. Aidala so he can point them out
14 to me.

15 Madam deputy, if you're on the line, could you please
16 provide us with a sentencing date.

17 THE DEPUTY CLERK: Yes. I was wondering if I should
18 go more than four months out. The probation officer, can you
19 help me with this, the pretrial services officer.

20 MS. MILLER: This is Officer Francesca Miller on the
21 line.

22 The standard is usually three months, but due to the
23 circumstances, four months should be fine.

24 THE DEPUTY CLERK: Okay, four months. June 16th at
25 2:00 p.m.

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1 THE COURT: Does that work for you, Mr. Aidala?

2 MR. AIDALA: Yes, your Honor.

3 THE COURT: And Mr. Naftalis?

4 MR. NAFTALIS: Yes, your Honor.

5 THE COURT: So June 16 at 2:00 p.m.

6 Mr. Meyyappan, you must be physically present in
7 Courtroom 11D, 500 Pearl Street, on that date at that time or
8 in such location as is directed, and date and time directed, or
9 you will be guilty of a separate crime, bail jumping, and
10 subject to imprisonment for up to 5 years and a fine of up to
11 \$250,000 in addition to the penalty imposed for the crime for
12 which you have just pled guilty.

13 Do you understand all that?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: All right. Is there anything further from
16 the government?

17 MR. NAFTALIS: Only that we have to set bail, your
18 Honor.

19 THE COURT: I see. Thank you. I understand, let me
20 hear from pretrial services, but I understand that a bail
21 package of \$250,000 personal recognizance bond co-signed by two
22 financially responsible people, release on the defendant's own
23 signature with other conditions met by January 27, pretrial
24 services supervision, surrender of all travel documents and a
25 prohibition on applying for any travel documents, travel

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1 restricted to the Southern District of New York, Eastern
2 District of New York, and Northern District of California and
3 points in between solely for travel purposes and refrain from
4 conduct alleged within the information.

5 First of all, from pretrial services, is that your
6 recommendation?

7 MS. MILLER: Yes. This is Officer Francesca Miller on
8 the line.

9 We are in agreement of those terms.

10 THE COURT: All right. Let me inquire of the
11 government. Is that acceptable to the government?

12 MR. NAFTALIS: Yes, your Honor.

13 THE COURT: And is that acceptable to the defendant?

14 MR. AIDALA: Yes, your Honor.

15 THE COURT: All right. So those conditions are
16 imposed. An order reflecting those bail conditions will be
17 entered on the docket.

18 Anything further, Mr. Naftalis?

19 MR. NAFTALIS: No. Thank you, your Honor.

20 THE COURT: Anything further, Mr. Aidala?

21 MR. AIDALA: No, your Honor. Thank you very much.

22 THE COURT: All right. Thank you, all, very much.
23 Thank you, Mr. Meyyappan.

24 We are adjourned.

25 * * *